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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

10 GOLDEN SCORPIO CORP., an Arizona corporation,) No. CV-08-1781-PHX-GMS
11 Plaintiff,)
12 vs.)
13)
14 STEEL HORSE SALOON I, et al.,)
15 Defendants.)
16

ORDER

17 Pending before the Court is the Motion for Default Judgment of Plaintiff Golden
18 Scorpio Corp. (Dkt. # 49.) In the motion, Plaintiff requests an entry of judgment against
19 defendants Steel Horse Saloon IV, Steel-Horse.com, Steel Horse Grill and Saloon, and The
20 Steel Horse Saloon II. When considering whether to enter a default judgment, a court has
21 “an affirmative duty to look into its jurisdiction over both the subject matter and the parties.”
22 *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999) (“To avoid entering a default judgment that can
23 later be successfully attacked as void, a court should determine whether it has the power, i.e.,
24 the jurisdiction, to enter judgment in the first place.”). “[W]hen a court is considering
25 whether to enter a default judgment, it may dismiss an action *sua sponte* for lack of personal
26 jurisdiction.” *Id.* Where there are questions about the existence of personal jurisdiction,
27 however, a court should allow the plaintiff the opportunity to establish that jurisdiction is
28 proper. *Id.* at 713.

1 **IT IS THEREFORE ORDERED** directing Plaintiff to show cause as to why the
2 Court should not dismiss Defendants Steel Horse Saloon IV, Steel-Horse.com, Steel Horse
3 Grill and Saloon, and The Steel Horse Saloon II from the action for lack of personal
4 jurisdiction. Plaintiff shall file a memorandum and the factual record supporting personal
5 jurisdiction on or before **February 6, 2009**.

6 DATED this 27th day of January, 2009.

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9 G. Murray Snow
10 United States District Judge

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